

REMARKS

Claims 8 and 37-42 stand allowed, claim 47 is object to, and claims 43-46, 48 and 49 stand rejected. Applicant has amended claim 43 to recite that the process comprises contacting the HA with a first cross-linking agent in a reaction mixture so as to form a first type of functional bond, and adding to the reaction mixture a further amount of the first cross-linking agent or a second cross-linking agent so as to form a second type of functional bond. Support for this amendment can be found in Applicant's specification at, for example, page 7, lines 6-18.

Applicant also has amended claim 44 to remove the recitation that the HA is subsequently contacted with a further amount of the first cross-linking agent under acidic conditions. In addition, new claims 50 and 51 have been added. Claim 50 recites that the process comprises adding to the reaction mixture a second cross-linking agent so as to form a second type of functional bond. Claim 51 depends from claim 44, and recites that the process further comprising adding a further amount of the first cross-linking agent to the reaction medium under acidic conditions. Claims 48 and 49 have been amended to depend from claim 50. Support for claims 50 and 51 can be found, for example, in claim 43 and in previous claim 44. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicant respectfully requests reconsideration and allowance of claims 43-49, as well as allowance of new claims 50 and 51.

Rejections under 35 U.S.C. § 102

The Examiner maintained the rejection of claims 43-45 and 48-49 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,963,666 (the '666 patent), for the reasons of record. In response to Applicant's remarks filed on April 27, 2007, the Examiner alleged that according to the '666 patent, a bi- or polyfunctional epoxide is used as an initial crosslinking agent to form an ether or ester bond with the polysaccharide, and that the epoxy-activated polysaccharide serves as a second crosslinking agent and forms an ether or ester bond with a second polysaccharide in close proximity. Thus, the Examiner alleged that the final step of the '666 patent meets the instant limitation of "contacting said HA with a further amount of

said cross-linking agent or with a second cross-linking agent so as to form a second type of functional bond.”

To further prosecution, Applicant has amended claim 43 to recite that the process comprises contacting the HA with a first cross-linking agent in a reaction mixture so as to form a first type of functional bond, and adding to the reaction mixture a further amount of the first cross-linking agent or a second cross-linking agent so as to form a second type of functional bond. At no point does the ‘666 patent disclose any method that includes adding to a reaction mixture either a further amount of a first cross-linking agent or a second cross-linking agent. Thus, for at least this reason, the ‘666 patent fails to anticipate the present claims.

In light of the above, Applicant respectfully requests withdrawal of the rejection of claims 43-45 and 48-49 under 35 U.S.C. § 102(b).

Rejections under 35 U.S.C. § 103

The Examiner maintained the rejection of claim 46 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the ‘666 patent as applied to claims 43-45 and 48-49. Applicants respectfully disagree. Claim 46 depends from claim 43. As discussed above, the method recited in claim 43, as amended herein, includes adding to the reaction mixture a further amount of the first cross-linking agent or a second cross-linking agent. The ‘666 patent fails to suggest any method that includes such a step. Thus, for at least this reason, present claim 46 is not obvious over the ‘666 patent.

In light of the above, Applicant respectfully requests withdrawal of the rejection of claim 46 under 35 U.S.C. § 103(a).

Claim objection

The Examiner objected to claim 47 as being dependent on a rejected base claim. The Examiner stated that claim 47 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the amendments and remarks presented herein, Applicant respectfully requests withdrawal of the objection to claim 47.

CONCLUSION

Applicant submits that in addition to claims 8 and 37-42, claims 43-51 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned agent if such would further prosecution.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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